

Lowenstein Sandler

ATTORNEYS AT LAW

Steven M. Hecht
Member of the Firm
Tel 973 597 2380
Fax 973 597 2381
shecht@lowenstein.com

June 2, 2011

VIA FEDEX

Hon. Roanne L. Mann, U.S.M.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Kosher Sports, Inc. v. Queens Ballpark Company, LLC
10-CV-2618 (JBW) (RLM)
Contempt Hearing 6/7/11

Dear Judge Mann:

We represent non-party ARAMARK Sports and Entertainment Services, LLC ("ARAMARK").¹ The Court has scheduled a contempt hearing for June 7, 2011. Plaintiff Kosher Sports, Inc. ("KSI") has subpoenaed three witnesses from ARAMARK for depositions and again for appearance at the hearing. As explained below, the witnesses' presence at the hearing will cause an extraordinary burden and hardship on ARAMARK's business operations. Because ARAMARK is a non-party, we are hesitant to interject ourselves into this dispute and request an adjournment of the hearing. We therefore ask that KSI and Queens be directed to rely on the deposition transcripts of the ARAMARK employees at the hearing rather than call those individuals live. In the alternative, due to the impact the hearing date will have on ARAMARK's business operations if those witnesses must attend, we respectfully request a short adjournment of the hearing.

On June 7, 2011, the national soccer teams of Greece and Ecuador will play in the first ever game held at Citi Field. The match features two teams with a very large fan presence, as both nationalities have over 100,000 residents in the area. As this is the first event of its kind at Citi Field, ARAMARK will need its entire management staff on-site to ensure that the event is properly planned for and executed, and any problems are addressed as they arise. KSI is asking

¹ In an abundance of caution, ARAMARK made a limited appearance to oppose Plaintiff's motion to hold ARAMARK, a non-party, in contempt of the Court's injunction. The contempt hearing presently scheduled for June 7, 2011 pertains only to defendant Queens Ballpark Company, LLC ("Queens").

Hon. Roanne L. Mann, U.S.M.J.
Page 2

June 2, 2011

that, on the day of this enormous event, ARAMARK -- again, a non-party to this litigation -- produce Scott Kleckner (the Resident District Manager who oversees all of ARAMARK's operations at Citi Field), Tom Funk (the Director of Operations at Citi Field for ARAMARK) Field), and Rich Grey (Division Manager of Concessions for ARAMARK). By requesting the presence of ARAMARK's top three managers on this critical day, KSI is paralyzing ARAMARK's operations.

ARAMARK has made every effort to accommodate the parties' discovery demands. ARAMARK accepted service of KSI's document production subpoenas, witness subpoenas, and hearing subpoenas. ARAMARK produced two witnesses -- Tom Funk and Scott Kleckner -- for a combined twelve hours of depositions. Those witnesses are the ARAMARK employees with the most knowledge of the events at issue in this litigation. Mr. Funk's and Mr. Kleckner's testimony were largely overlapping and in large measure duplicative. Finally, ARAMARK has produced 1987 pages of documents.²

Based upon the foregoing, we respectfully request that this Court direct the parties to rely on the deposition testimony rather than call the ARAMARK witnesses live at the hearing. In the alternative, we respectfully request that the Court adjourn the hearing to a date that does not impose a hardship upon ARAMARK's business operations.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Steven M. Hecht

SMH:bra

cc: Avery S. Mehlman, Esq. (via e-mail and ordinary mail)
Ira Daniel Tokayer, Esq. (via e-mail and ordinary mail)
Kevin M. Brennan, Esq.
David W. Field, Esq.

17812/85
06/02/2011 17661884.3

² ARAMARK has objected to KSI's requests for confidential and/or proprietary materials. ARAMARK has therefore redacted that information in its production.